

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2023/62/91442/E
Site Address:	35, Halifax House, Cullingworth Street, Dewsbury, WF13 4AN
Description:	Change of use and alterations to first floor 2 storey flat to create 2 flats
Recommending Officer:	Nina Sayers

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Emma Thompson

AUTHORISED OFFICER

Date: 10-NOV-2023

Error! Filename not specified.

Officer Report

Site Description

The application relates to 35 Halifax House, which is a two-bedroom dwelling within a wider apartment block known as Halifax House. There is also an adjacent guest bedroom with balcony which is within the application site. The application site is located on the north-western corner of Halifax House and spreads over the first floor with living accommodation in the roof space above. The property is accessed through Halifax House.

The property is located on Cullingworth Street. The surrounding area is a mixture of residential and commercial units, predominantly serving Health Care facilities.

Description of Proposal

The applicant is seeking permission for the change of use and alterations to first floor two-storey flat to create two flats.

The proposal would create two, one-bedroom apartments on the first and second floor. There would be associated living accommodation including a kitchen and living area and bathroom. There would be no external alterations.

History of negotiations/amendments received

Officers raised concerns regarding the proposed floor area, and failure to comply with the Nationally Described Space Standards. Amended plans were received from the agent and these were considered acceptable in this instance.

Relevant Planning History

No relevant planning history.

Representations

The application was advertised by neighbour letter and was publicised online. Final publicity expired 03/10/2023.

No representations were received in response to the above consultation.

Consultation Responses

No consultees were considered necessary for this application.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan. However, it is located within the Strategic Green Infrastructure Network.

Kirklees Local Plan:

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment

Other Material Considerations:

- Kirklees Highways Design Guide SPD (2019).
- Kirklees Housebuilders Design Guide SPD (2021).
- National Design Space Standards

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity and historic environment
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The proposal is for the change of use of an existing two-bedroom flat, and guest bedroom to form two one-bedroom flats. The proposal is within a larger residential development which predominantly serve one-bedroom dwellings occupied as retirement housing. The proposal is also within a wider residential area and would make more efficient use of the site. Therefore, the principle of development is considered acceptable.

In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

2 – Impact on visual amenity

Chapter 12 of the NPPF sets out that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment (para.127 of the NPPF). Policy LP24 of the KLP expands on this further, setting out that good design should be at the core of all proposals in the district.

The application is for the change of use from a two-bedroom flat and guest bedroom to two, one-bedroom flats. The proposal would not involve any amendments to the exterior of the building. Therefore, it is considered that the proposed development would not cause significant harm to either the visual amenity of the host property or wider street scene, over and above the existing arrangements on site.

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan and the aims of chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants as well as any future occupants shall now be set out in terms of policy LP24 (b), which states that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers as well as paragraph 130 (f) of the NPPF which states that developments should *“create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”*.

The proposed flats are within a residential area and would continue the existing residential use. There would be no exterior alterations as a result of the proposal and therefore it is considered that no additional harm would be

caused to residential amenity over and above the existing arrangements on site.

Amenity of the Future Occupiers

Principle 16 of the Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”*

Whilst it is noted this is not a new build property, it would create an additional flat and therefore the above principles are still relevant in this instance.

Initially the proposed development did not meet the minimum recommendations, as set out within the Nationally Described Space Standards (NDSS), for either dwelling. Officers raised this with the agent who provided amended plans which reduced the number persons per dwelling.

The proposed first floor flat has been re-designed to serve a one-bedroom, two-person dwelling and therefore it meets the minimum recommendations as set out within the NDSS for such a dwelling. The second floor flat has been re-designed to serve a one-bedroom, one-person dwelling and meets the minimum recommendations as set out within the NDSS. There would be sufficient openings to all inhabited spaces allowing for outlook and natural light. It is noted that there is limited amenity space, however the first floor flat does have a balcony area. Given the proposal is within a residential block of flats and is a replacement for a dwelling with more bedrooms, it is considered that this would not cause any additional harm over and above the existing arrangement.

The proposed development is therefore considered acceptable in terms of residential amenity and it is considered that the proposed development complies with Local Plan Policy LP24(b), the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety

The proposed development would result in an additional flat, however overall, there would be a reduction in the number of bedrooms provided. Whilst there is no allocated parking specifically for the properties, there is ample parking available for the wider block of flats (Halifax House). There is also a bus stop directly outside the property provided direct links to Dewsbury, Bradford City Centre and Wakefield City Centre.

Therefore, it is considered the proposal scheme would not result in any additional harm to the efficiency and safety of the highway over and above the existing arrangements on site. The scheme therefore complies with the recommendations in the highways design guide and Policy LP21 and LP22 of the Kirklees Local Plan.

5 – Other matters

There are no other matters for consideration.

6 - Representations

No representation was received.

7 – Conclusion

This application to change of use and alterations of existing first floor, two-storey flat to create two flats has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2023/91442

Officer Recommendation: Approve

Conditions:

1.The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP7, LP21, LP22 and LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours, Mondays to Fridays 08.00 and 13.00hours, Saturdays
With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice.

This notice can specify the hours during which the works may be carried out.

Plans and Specifications Table:

Plan Type	Reference	Version	Date Received
Site Location Plan			30/05/2023
Grouped Plans and Elevations	001	C	22/08/2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority has, where possible, made a pre-application advice service available, complied with the Kirklees

Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Officers raised concerns regarding the proposed floor area, and failure to comply with the Nationally Described Space Standards. Amended plans were received from the agent and these were considered acceptable in this instance.

Report Dated: 06/10/2023